

# 10★Eight

In Service for 8

Arkansas  
Attorney General  
Mike Beebe

Volume 13 Number 6

December 2005



## DEAR TEN-EIGHT READER:

I want to take this opportunity to thank each one of you for all you do to protect and serve our communities throughout Arkansas all year long. The upcoming holiday season is often a difficult time for law enforcement — a season for criminals to prey upon people's spirit of giving.

My office is here to support your efforts, and we have materials available to help you in educating the public to protect against becoming victims of fraud and crime. Thanks to all of our law-enforcement officers whose visible presence and diligence sometimes go unnoticed and underappreciated. On behalf of everyone at the Attorney General's Office, best wishes for wonderful holidays and a Happy New Year!

Sincerely,

Mike Beebe

2005

## LAW ENFORCEMENT AWARDS

On October 11, 2005, Attorney General Mike Beebe hosted the third-annual Law Enforcement Summit, which focused on child victimization, with an emphasis on missing-children investigations, child-exploitation investigations, and an industry perspective into combating computer-facilitated crimes against children. Approximately 175 law-enforcement personnel from 38 counties came to Little Rock to attend this event. At the Summit, General Beebe was pleased to present the Outstanding Law Enforcement Officers of the Year Awards.

To determine the recipients, a panel of chiefs of police, sheriffs, state police, and elected prosecutors from across Arkansas chose one winner from each congressional district and an overall winner. This year, the overall award was shared by two officers who responded to the same call, and the District 2 Award went to a Little Rock officer and his K-9 partner. Nominees were judged for individual acts of valor and overall meritorious job performance. The 2005 winners are listed below:

**District 1**—Trooper Terral “Bo” Harsson, Arkansas State Police (Troop B)

**District 2**—Officer James Tankersley and K-9 Xantho, Little Rock Police Department

**District 3**—Corporal Ed Motsinger, Springdale Police Department

**District 4**—Deputy Scott McAlpin, Chicot County Sheriff's Office

The recipients of the 2005 Outstanding Law Enforcement Officer of the Year Award are Officer Travis Goforth and Officer Michael Sweeney of the Pine Bluff Police Department.

Congratulations to all for their bravery and fortitude in the line of duty.

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# ATF REMINDER for SAFE and SECURE STORAGE of EXPLOSIVE MATERIAL

David Raupp, Senior Assistant Attorney General

An Assistant Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) recently wrote the Attorney General's Office to remind state and local government officials of the federal requirements for the storage of explosive materials and for reporting the loss or theft of such materials.

Specifically, ATF notes that, unlike the federal government, state and local government entities are not exempt from the storage requirements found in the Code of Federal Regulations under 27 CFR, Part 555, Subpart K. While ATF has jurisdiction over the permanent storage of all explosive materials, inspection of state and local magazines is on a voluntary basis. ATF asks that agencies with magazines storing explosive materials voluntarily report the storage location to ATF, which will continue to inspect the magazines upon request and offer guidance to ensure that federal guidelines are being met. To request an inspection, an agency should contact its local ATF office.

Similarly, state and local agencies, like the rest of the public, must contact ATF within 24 hours of the discovery of the theft or loss of explosive materials. The form for making such a report may be found at <http://www.atf.gov/forms/5000.htm#explosives>. Other useful information, such as links to the semiannual ATF Explosives Industry Newsletter, may be found at <http://www.atf.gov/explarsen/eipb.htm>. Agencies also may contact ATF's Explosives Industry Programs Branch at 202-927-2310. ATF's general Web site, [www.atf.gov](http://www.atf.gov), provides the following contact information for its Arkansas field offices:



## **Little Rock Field Office**

Resident Agent in Charge  
425 West Capitol  
Room 775  
Little Rock, AR 72201  
(501) 324-6181

FAX: (501) 324 -5301

## **Little Rock Field Office**

Industry Operations  
Area Supervisor  
(501) 324-6457  
Fax: (501) 324-6695

## **Fort Smith Field Office**

Resident Agent in Charge  
30 South 6th Street  
Room B129A  
Fort Smith, AR 72901  
(501) 709-0872  
Fax: (501) 709-0532

The Office of the Attorney General publishes and distributes, upon request, consumer-education materials that would be beneficial to Arkansas residents. With identity theft on the rise, our "ID Theft" pamphlet may be of particular importance and would be valuable to have in your offices. To obtain this information, please contact (501)682-1020.

# SPECIAL PROCEDURES GOVERNING NIGHTTIME EXECUTION OF SEARCH WARRANTS

Vada Berger, Assistant Attorney General

Under Arkansas law, special rules apply to the execution of search warrants during nighttime hours. Arkansas Rule of Criminal Procedure 13.2(c) provides that, unless otherwise provided for in the warrant, search warrants are to be executed only between 6 a.m. and 8 p.m. Thus, a “nighttime search” under Arkansas law is one occurring between 8 p.m. and 6 a.m. In situations in which a judge has expressly concluded and provided in the warrant that there is probable cause to believe that the place to be searched is: 1) “difficult of speedy access;” 2) the objects to be seized are in danger of imminent removal; or 3) the warrant can only safely or successfully be executed at night, the Rule specifically authorizes judges to provide for execution of the warrant at any time, including at night. Otherwise, the warrant is to be executed only between 6 a.m. and 8 p.m.

Arkansas’ appellate courts have strictly construed the limitations and requirements of Rule 13.2(c). Such strict construction has resulted, for example, in invalidating the execution of a search warrant beginning at 8:02 p.m. that was not authorized under the Rule and throwing out the fruits of the warrant search, even when it had been authorized by a judge to be conducted at night. In that case, the affidavit provided by officers merely stated that contraband was subject to imminent removal but did not provide a specific factual basis for this conclusion. As the latter circumstance illustrates, officers executing a so-called nighttime-search warrant cannot rely on a judge’s determination that there was a basis for issuing such a warrant. Rather, the officers must satisfy themselves, by clearly stating in their affidavit, that a sufficient factual basis supports a warrant’s determination that an area is difficult to access quickly, items are subject to removal, or it can only safely be executed at night. In sum, there essentially is no good-faith exception for invalid nighttime searches.

Given Arkansas courts’ strict construction of the Rule governing nighttime searches, officers would be well served by being very familiar with its requirements. For that reason, the three criteria for issuance of a nighttime-search warrant and the need for an affidavit to provide a factual basis to support these criteria are reprinted at page 30 of the Arkansas Law Enforcement Pocket Manual (2nd Ed. June 2004), produced by and available from the Attorney General’s Office. Vigilance in complying with the Rule – either by waiting until 6 a.m. to execute a warrant or by satisfying the more stringent requirements for issuance of a nighttime-search warrant – will ensure that evidence seized during the execution of a warrant will be admissible in court and available to aid in the conviction of culpable defendants.



# REGIONAL TRAINING PROGRAMS

## FEBRUARY 13-17, 2006, LITTLE ROCK, ARKANSAS

Three training programs are being offered in the Little Rock, Arkansas, area from February 13-17, 2006.

### **CHILD ABUSE AND EXPLOITATION INVESTIGATIVE TECHNIQUES (CAE)**

This course is designed to enhance the skills of law enforcement and other justice-system agencies, including child-protective services involved in the investigation of child abuse, sexual exploitation of children, child pornography, and missing-children cases. The training provides valuable information in the following areas: recognizing the signs of physical/sexual abuse, evidence collection and preservation, case preparation for prosecution, interviewing victims, interrogation of offenders, liability issues, child prostitution, team investigations, and investigating techniques for abuse cases and missing-child cases. This program lasts 4 1/2 days.

**Target Audience:** Law enforcement, child-protective services, and other juvenile-justice-system professionals involved in the investigation of child abuse, exploitation, and missing-children cases. A maximum of 2 participants per agency may attend.

**Sponsored by:** Office of Juvenile Justice and Delinquency Prevention and Fox Valley Technical College.



### **SCHOOL RESOURCE OFFICER LEADERSHIP PROGRAM (SRO)**

The purpose of this program is to demonstrate standards of excellence and best practices in the enhanced role of school resource officers as leaders in planning and maintaining safe school environments. Topics covered include: the leadership role of the SRO in developing and implementing a safe-school plan, critical-incident planning, school security, identification and utilization of risk-and-protective factors, and legal issues. This program lasts 4 1/2 days.

**Target Audience:** This training is open to law-enforcement officers, who serve in their roles as school resource officers, school liaison officers, or who otherwise work with schools in their communities, and their educational counterparts (principal, assistant principal, dean of students, etc.). Priority consideration is given to SRO's who plan to attend the program with their school's counterpart (principal, assistant principal, dean of students, etc.). Priority consideration is also given to individuals who are nominated by their chief of police, sheriff, or school administrator and who have also attended the Chief Executive Officer Safe Schools Forum, Safe Schools Interagency Team Planning Program, or the Missing and Exploited Children Chief Executive Officer Seminar.

**Sponsored by:** Fox Valley Technical College through a cooperative agreement with the National Center for Missing and Exploited Children.

For more information on the Child Abuse and Exploitation Investigative Techniques seminar or the School Resource Officer Leadership Program, please go to the Fox Valley Technical College Web site at [www.fvtc.edu/ojdp](http://www.fvtc.edu/ojdp). For questions regarding registration, call the Fox Valley Technical College Criminal Justice Division, Child Protection Training Center at 1-800-648-4966.

### **ICAC INVESTIGATIVE TECHNIQUES TRAINING PROGRAM (ICAC-IT)**

The purpose of this training program is to provide state and local law-enforcement investigators with a basic understanding of investigative techniques in the area of Internet crimes against children. These techniques have been developed by the ICAC Task Force and conform to a set of national standards. This program lasts 4 1/2 days.

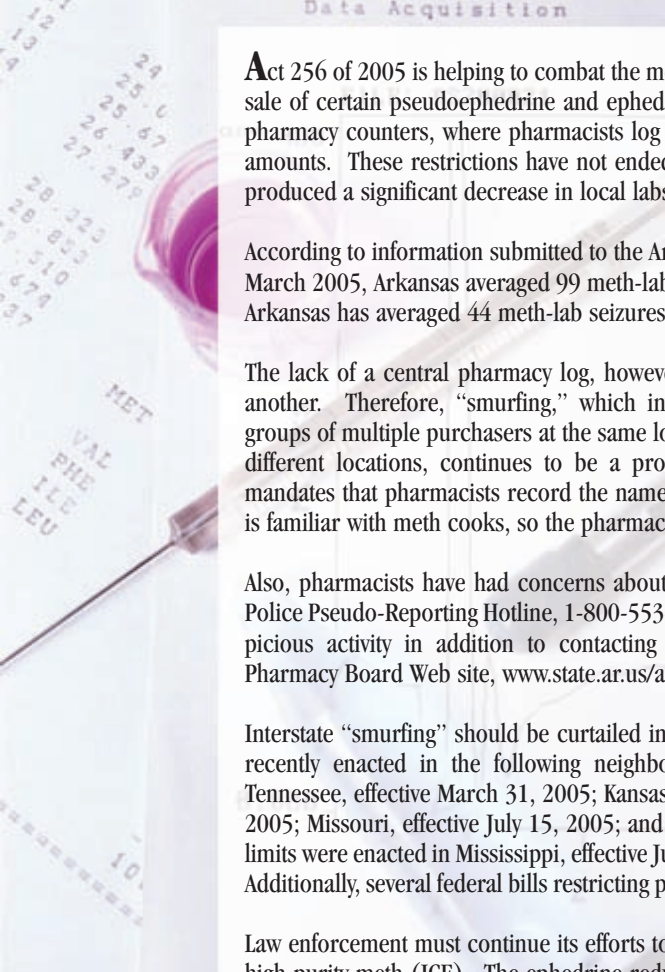
More information is available at their Web site:  
<http://www.icactraining.org/Training.htm>

For more information, visit: <http://www.icactraining.org/Training.htm>  
or call (877) 798-7682.



# ACT 256 PRODUCES A SIGNIFICANT DECREASE IN METH LABS

Laura K. Shue, Assistant Attorney General



Act 256 of 2005 is helping to combat the methamphetamine crisis in Arkansas by restricting the sale of certain pseudoephedrine and ephedrine products, by requiring their placement behind pharmacy counters, where pharmacists log the names of purchasers, and by limiting purchase amounts. These restrictions have not ended the availability of meth in Arkansas, but they have produced a significant decrease in local labs.

According to information submitted to the Arkansas State Crime Lab, from January 2003 through March 2005, Arkansas averaged 99 meth-lab seizures per month. Since the law went into effect, Arkansas has averaged 44 meth-lab seizures per month, an impressive decrease of 56 percent.

The lack of a central pharmacy log, however, still allows meth cooks to go from one store to another. Therefore, “smurfing,” which involves the purchase of sub-threshold amounts by groups of multiple purchasers at the same location or by single purchasers at a large number of different locations, continues to be a problem for law enforcement. Even so, the new law mandates that pharmacists record the names of the purchasers, and law enforcement generally is familiar with meth cooks, so the pharmacists’ logs do provide a paper trail.

Also, pharmacists have had concerns about suspicious-activity reporting. In response, a State Police Pseudo-Reporting Hotline, 1-800-553-3820, was set up to allow pharmacists to report suspicious activity in addition to contacting local law enforcement (posted on the Arkansas Pharmacy Board Web site, [www.state.ar.us/asbp/asp-pseudo-reporting.html](http://www.state.ar.us/asbp/asp-pseudo-reporting.html)).

Interstate “smurfing” should be curtailed in the future because of similar pharmacy limitations recently enacted in the following neighboring states: Oklahoma, effective April 6, 2004; Tennessee, effective March 31, 2005; Kansas, effective June 1, 2005; Kentucky, effective June 20, 2005; Missouri, effective July 15, 2005; and Texas, effective August 1, 2005. Retail and quantity limits were enacted in Mississippi, effective July 1, 2005, and Louisiana, effective August 15, 2005. Additionally, several federal bills restricting pseudoephedrine purchases are pending in Congress.

Law enforcement must continue its efforts to rid our state of imported meth, especially Mexican high-purity meth (ICE). The ephedrine-reduction method is common in Mexico because of the abundant supply of ephedrine. Organized-crime groups operating in Mexico have access to wholesale ephedrine sources of supply on the international market. They produce vast quantities of ICE on a regular basis, and they already control established drug-distribution networks throughout western, southwestern, and, increasingly, southern and midwestern states.

This year, the DEA provided diversion-training courses for Mexican officials and encouraged Mexico to impose stricter import quotas for pseudoephedrine. Also, distributors have agreed to limit sales of pseudoephedrine to pharmacies, which will be able to sell no more than nine grams per transaction. (See October 20, 2005, Statement of Joseph T. Rannazzisi, Deputy Chief, Office of Enforcement Operations, DEA, “Comprehensively Combating Methamphetamine: Impact on Health and the Environment,” <http://www.dea.gov/speeches/s102005.html>.)

Thus, pharmacy-limit laws, like Arkansas’ Act 256, are being used as a substantial and effective weapon in reducing meth labs. Other states and the federal government are including pharmacy limits in their arsenals, as well. Continuing reductions in the supply will assist law enforcement in its fight against the scourge of meth.

# HAVE YOU SEEN ME?

The Arkansas Attorney General's Office houses the Arkansas Missing Children Services Program (AMCSP), which serves as the main point of contact between Arkansas and the National Center for Missing and Exploited Children.

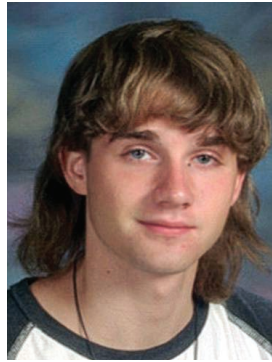
AMCSP is designed to assist law-enforcement agencies with their investigations, provide training to investigatory agencies, distribute safety materials to the public, and assist families with a missing child.

AMCSP has a toll-free number (1-800-448-3014) for reports or sightings of missing children. A state-of-the-art computer messaging system allows data, including photographs of children, to be disseminated within minutes to other states or national agencies.

AMCSP can help law-enforcement agencies create posters of missing children and can post photos on its Web site and the Web site of the National Center for Missing and Exploited Children.

If you have information about any of the children displayed in photographs in this newsletter, or if you would like more information about the AMCSP, call:

**1-800-448-3014 or 501-682-1020**



## **BRANDON MARCUS GIBBS**

**Case Type:** Endangered Runaway

**DOB:** November 15, 1988 **Sex:** Male

**Missing Date:** November 22, 2005 **Race:** White

**Age Now:** 17 **Height:** 5'10" (178 cm)

**Missing City:** HAZEN

**Weight:** 130 lbs. (59 kg)

**Missing State:** AR **Hair Color:** Lt. Brown

**Missing Country:** United States **Eye Color:** Blue

## **SHAYNE COOK**

**Case Type:** Endangered Runaway

**DOB:** March 26, 1989 **Sex:** Male

**Missing Date:** October 6, 2005 **Race:** White

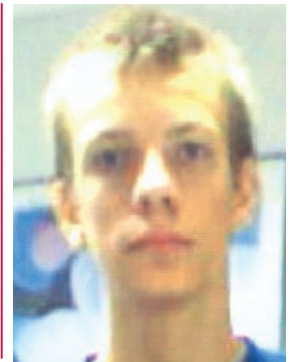
**Age Now:** 16 **Height:** 6'0" (183 cm)

**Missing City:** FAYETTEVILLE

**Weight:** 120 lbs. (54 kg)

**Missing State:** AR **Hair Color:** Blonde

**Missing Country:** United States **Eye Color:** Blue



323 Center Street, Suite 1100  
Little Rock, AR 72201  
1-800-448-3014  
(501) 682-1020  
[www.ArkansasAG.gov](http://www.ArkansasAG.gov)

### **EDITOR**

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